

## REMARKS

### **Status of Claims:**

Claims 1-18 are pending for examination.

### **Drawing Correction:**

A replacement sheet for Fig. 5 is attached hereto. In Fig. 5, block 21 has been changed to correct a spelling error. The word "MONITORINTG" has been changed to "MONITORING".

### **Prior Art Rejection:**

Claims 1, 2, 4, 6-11, 13 and 15-18 stand rejected under 35 U.S.C. § 103 as obvious over Dent in view of Seymour.

The examiner's rejections are respectfully traversed.

Applicant's claim 1 recites:

1. (Currently Amended) A dual mode mobile communication device comprising:

means for repeatedly monitoring and determining a signal quality of signals received on a first network, whilst the signal quality remains above a predetermined first threshold,

means for ~~also~~ monitoring and determining a signal quality of signals received on a second network at selected intervals if the determined signal quality in the first network falls below the first threshold and for switching communication to the second network in dependence on the relative qualities of the two signals, and

means for ~~also~~ monitoring and determining a signal quality of signals received on the second network more frequently than at said selected intervals if the signal quality on the first network falls beneath a second lower threshold, and

means for switching communication to the second network in dependence on the relative qualities of the two signals.

As recited in the above claim 1, the “means for monitoring ... more frequently” has been amended to add clarity to the claim language to indicate that the frequency for monitoring is more frequent “than at said selected intervals”. This recitation, while not required for patentability, is believed to better phrase applicant’s invention by comparing the frequency to the frequency of the previously recited “selected intervals.”

As understood from applicant’s claims in either the amended or original form, a significant limitation of applicant’s claim is the recitation of the “means for monitoring and determining a signal quality of signals received on the second network more frequently than at said selected intervals if the signal quality on the first network falls beneath a second lower threshold.” The prior art simply does not disclose this limitation. While the examiner has cited the secondary reference of Seymour and in particular Seymour Fig. 3, for providing the corresponding teaching, it is clear that Seymour does NOT disclose this recited claim limitation. Seymour teaches that if the signal strength is below the lower threshold, the user is handed off to another network equipment of a neighboring cell. However, Seymour is completely silent as to the **frequency of monitoring** the signal quality “more frequently” when the signal quality on the first network falls beneath a second lower threshold.

Since neither the primary nor secondary references disclose significant limitations recited in applicant’s claim 1, it is submitted that the PTO has not made out a *prima facie* case of obviousness under the provisions of 35 U.S.C. § 103. Applicant’s independent claim 10 likewise distinguishes over the prior art on the same basis as claim 1 discussed above. As such, applicants claims are patentable over the prior art.

Applicant’s dependent claims are deemed patentable at least by virtue of their dependency.

**Conclusion:**

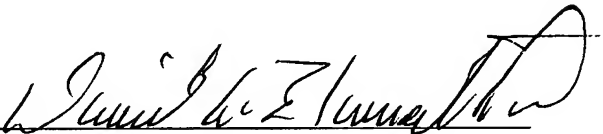
Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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